

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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* UNITED STATES OF AMERICA *

* CRIMINAL ACTION

* No. 13-MJ-2106-MBB

* v. *

* DZHOKHAR TSARNAEV *

* * * * *

SEALED TRANSCRIPT

BEFORE THE HONORABLE MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE
CONFERENCE
April 22, 2013

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE (By AUSA William Weinreb and AUSA Aloke S. Chakravarty) 1 Courthouse Way, Suite 9000, Boston, Massachusetts 02210, on behalf of the United States of America

OFFICE OF THE FEDERAL PUBLIC DEFENDER, (By Miriam Conrad, Esq., William Fick, Esq., and Timothy Watkins, Esq.) 51 Sleeper Street, 5th Floor, Boston, Massachusetts 02210, on behalf of the Defendant

Also present:

Jamie Katz, Esq, General Counsel, BIDMC
September Brown, Pretrial Services Officer

Beth Israel Deaconess Medical Center
330 Brookline Avenue
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Official Court Reporter
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P R O C E E D I N G S

THE CLERK: United States District Court for the District of Massachusetts is now in session, the Honorable Marianne B. Bowler presiding.

Today is Monday, April 22, 2013. The case of U.S. v. Tsarnaev, Magistrate Judge No. 13-2106, will now be heard.

Will counsel please identify themselves for the record.

MR. WEINREB: Good morning, your Honor. William Weinreb and Al Chakravarty for the United States.

THE COURT: Thank you.

MS. CONRAD: Miriam Conrad with Tim Watkins and Bill Fick from the Federal Public Defender's office.

THE COURT: Thank you very much.

MR. KATZ: Jamie Katz, General Counsel, Beth Israel Deaconess Medical Center.

THE COURT: Thank you very much.

For the benefit of counsel and for the physician, I have called this conference because I want to establish before we conduct the initial appearance the mental state of the defendant. So, Doctor, I am going to have a few questions for you.

Please take your time and be relaxed about this.

DR. ODOM: Yes, your Honor.

THE COURT: I will ask you to state your name, spelling your last name for the record.

1 DR. ODOM: Stephen Ray Odom, O-D-O-M.

2 THE COURT: And what is your occupation?

3 DR. ODOM: I'm a trauma surgeon.

4 THE COURT: Can you give me a brief summary of your
5 professional education, training, and credentials?

6 DR. ODOM: I went to medical school at Texas Tech
7 University in Lubbock, Texas.

8 I did a general surgery residency at Stamford,
9 Connecticut. And I did a trauma/critical care fellowship at
10 Beth Israel Deaconess Medical Center in Boston.

11 THE COURT: Are you Board Certified, Doctor?

12 DR. ODOM: I am, in general surgery and critical
13 care.

14 THE COURT: Thank you.

15 Do you have any publications?

16 DR. ODOM: I do.

17 THE COURT: Can you give us a summary of the area
18 that you have published in?

19 DR. ODOM: Mostly in emergency general surgery and
20 critical traumatic illness.

21 THE COURT: And you are currently an attending here
22 at the Beth Israel?

23 DR. ODOM: I am.

24 THE COURT: What has your role been in the care of
25 the defendant, Mr. Tsarnaev?

1 DR. ODOM: I was the attending trauma surgeon on
2 call when he presented to the hospital, and I have
3 subsequently been his attending during the duration of his
4 stay here.

5 THE COURT: What is his medical state at the
6 present time?

7 DR. ODOM: Guarded.

8 THE COURT: Can you define what you mean by that?

9 DR. ODOM: He has multiple serious injuries that
10 require ongoing inpatient medical care at this time. He is
11 currently in an intensive care unit, though his status is
12 not critical.

13 THE COURT: Can you give me a brief summary of his
14 injuries?

15 DR. ODOM: He has multiple gunshot wounds, the most
16 severe of which appears to have entered through the left
17 side inside of his mouth and exited the left face, lower
18 face. This was a high-powered injury that has resulted in
19 skull-base fracture, with injuries to the middle ear, the
20 skull base, the lateral portion of his C1 vertebrae, with a
21 significant soft-tissue injury, as well as injury to the
22 pharynx, the mouth, and a small vascular injury that's been
23 treated.

24 He has, in addition to this, some ophthalmologic
25 injuries that have been treated.

1 He has multiple gunshots wounds to the extremities that
2 have been treated with dressings to the lower extremities;
3 and in the case of his left hand, he had multiple bony
4 injuries as well that were treated with fixation and
5 soft-tissue coverage, as well as tendon repair and vascular
6 ligation.

7 THE COURT: Internal or external fixation?

8 DR. ODOM: The pins are internal, but the wound is
9 still open.

10 THE COURT: When did he last receive sedation or
11 pain medication?

12 DR. ODOM: He received Dilaudid at around
13 ten o'clock.

14 THE COURT: What was the dose?

15 (Whereupon, Dr. Odom reviewed medical chart.)

16 DR. ODOM: I'm sorry.

17 THE COURT: Take your time.

18 DR. ODOM: .25 milligrams.

19 THE COURT: And that is the only pain medication or
20 sedation that he has had recently?

21 DR. ODOM: In the last eight hours, yes.

22 THE COURT: Does he know where he is, and does he
23 know what has happened since arriving at the hospital in
24 terms of procedures?

25 DR. ODOM: He definitely knows where he is.

1 He knows that he has had multiple procedures, but I'm
2 not sure how aware he is of the specifics. He knows that he
3 has an injury to the neck and to the hand.

4 THE COURT: In your professional opinion, based on
5 your training and experience, is he lucid enough to
6 understand and respond to basic questions, if not vocally,
7 using hand signals?

8 DR. ODOM: He is able to respond vocally.

9 THE COURT: All right.

10 At this time I find Dr. Odom to be a very credible
11 witness and fully informed about the medical and mental
12 state of the defendant, and on this information I will
13 proceed with an initial appearance forthwith.

14 Doctor, thank you very much for your time.

15 We stand in recess.

16 We are off the record.

17 (Discussion off the record between Court and counsel.)

18 MS. CONRAD: Your Honor, may I ask that the record
19 be sealed?

20 THE COURT: It will be sealed.

21 MS. CONRAD: Thank you.

22 THE CLERK: So will the docket entry?

23 THE COURT: The docket entry will be sealed.

24 Is there a motion to unseal the complaint at this time?

25 MR. WEINREB: Yes, your Honor. In conjunction with

1 the initial appearance, we will make an oral motion to
2 unseal the complaint.

3 THE COURT: That will be granted once we commence
4 the initial appearance.

5 MS. CONRAD: This is probably premature, but we
6 will be requesting appointment of learned counsel under the
7 procedures applicable to capital cases.

8 THE COURT: We will go from there.

9 Doctor, you are excused, and thank you.

10 DR. ODOM: Thank you.

11 Would you like me to be present?

12 THE COURT: It would be helpful, if you are
13 comfortable with that.

14 DR. ODOM: I'm happy to be there.

15 THE COURT: So they will get set up, and we will
16 proceed.

17 (Pause in proceedings.)

18 THE COURT: Back on the record.

19 THE CLERK: Resuming back on the record 13-MJ-2106,
20 United States v. Tsarnaev.

21 THE COURT: Doctor, it is my understanding that you
22 might want to clarify the record regarding the medication
23 that the patient has had?

24 DR. ODOM: Yes, ma'am.

25 At 10 a.m. he received .5 milligrams of Dilaudid, and

1 at 7 a.m. he received another .5 milligrams of Dilaudid. So
2 in total, since 7 a.m., he's received one milligram of
3 Dilaudid.

4 THE COURT: Does that in any way change your
5 previous statement that you felt he was able to respond to
6 questions?

7 DR. ODOM: No, ma'am.

8 THE COURT: Thank you very much.

9 All right. We stand in recess.

10 (Proceedings adjourned.)
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C E R T I F I C A T E

I, James P. Gibbons, Official Court Reporter for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/s/James P. Gibbons

April 24, 2013

James P. Gibbons

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